

PROFESSIONAL STAFF SHORT-TERM LEAVES AND ABSENCES

Consistent contact with students and staff is important to the learning environment and district operation and therefore is an essential duty of a professional staff member's position. When a professional staff member is routinely tardy, frequently absent or is absent for an extended period of time, the learning environment and district operations deteriorate, and the students suffer.

Professional staff employees may be terminated for excessive absences or tardiness. Unless authorized by the Board or the superintendent or otherwise authorized by law, an employee's absence or tardiness is considered excessive if it:

1. Is for a reason not granted as paid or protected leave under Board policy.
2. Exceeds the number of days allotted by the Board for that particular leave.
3. Is for a reason authorized by Board policy but exceeds five (5) days a month, 20 days in a semester or 40 days per school year.

Even if the absence or tardiness is authorized by the Board or the superintendent, if the absence or tardiness occurs for a reason not granted as paid leave under Board policy or if it exceeds the number of days the employee has been granted under a designated leave, the employee's salary will be docked.

No employee will be disciplined or terminated for absences qualifying for protection under the Family and Medical Leave Act (FMLA) or other applicable law (see Board policy GBBDA).

The district may require an employee to provide the district a doctor's note or other verification of illness before the district applies sick leave or other applicable paid leave to the absence. The district may require an employee to present a certification of fitness to return to work whenever the employee is absent from work due to the employee's health.

The following leaves with pay will be provided to full-time professional staff employees. Part-time professional staff employees will receive these leaves on a pro rata basis:

1. **Personal Leave:** Professional staff employees whose assignments call for 12 months of fulltime employment will be entitled to *12 days of personal leave (as defined below in 1.1)*. Professional staff employees whose assignments call for full-time employment only during the regular school term will be entitled to *9 days of sick leave*. Unused sick leave will be

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cumulative to 100 personal leave days. Absences will be counted hour per hour for personal leave.

- 1.1) 12 month employees will receive 12 days personal leave.*
- 11 month employees will receive 11 days personal leave.*
- 10 month employees will receive 10 days personal leave.*
- 9 month employees will receive 9 days personal leave.*

All unused accumulated leave days over 100 will be reimbursed to the professional staff Employee yearly at the rate paid to a substitute teacher. All unused accumulated leave days up to 100 will be reimbursed to the professional staff employee when they leave the school district. Any professional staff member who achieves perfect attendance for 2 quarters during a given school year, will receive a bonus of \$150.00.

Absences may be charged against *personal* leave for the following reasons:

- a. Illness, injury or incapacity of the employee. The Board reserves the right to require a physician's certification attesting to the illness or incapacity of the claimant and/or inclusive dates of the employee's incapacitation. FMLA health certification procedures apply to FMLA-qualifying absences, even if such absences are paid sick leave.
- b. Illness, injury or incapacity of a member of the immediate family. The Board defines "immediate family" to include spouse, parents, children, children's spouses, grandparents, grandchildren and siblings of an employee or employee's spouse, and any other family member residing with the employee. (Note: "Family" for FMLA purposes is more limited.)
- c. Illness, injury or incapacity of other relatives, with permission granted by the superintendent.
- d. Pregnancy, childbirth and adoption leave in accordance with this policy.
- e. Tax investigation.
- f. Court appearances, unless applicable law requires no leave be charged to the employee.

- g. Wedding, graduation or funeral.
- h. Observance of a religious holiday.
- i. Conducting personal business of such a nature that it cannot be performed on a Saturday, Sunday or before or after school hours, including parent-teacher conferences.
- j. Leave under the FMLA.
- k. Leave connected with duty as a volunteer firefighter, member of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, Urban Search and Rescue Team or activation by the Federal Emergency Management Agency (FEMA) in times of national disaster.
- l. Leave for other purposes as approved by the principal.

Staff members who are ill are encouraged to stay home to promote healing and reduce the risk of infecting others, especially during a pandemic or other significant health event. In the event of a pandemic or other significant health event, schools may be closed to all staff and students or just students. If schools are closed only to students, staff members are expected to work regular schedules or use appropriate leave.

A district employee may not use *personal* leave during the period the employee receives Workers' Compensation for time lost to work-related incidents.

Any certificated employee who is a member of a retirement system shall remain a member during any period of leave under *personal* leave provisions of the district or under Workers' Compensation. The employee shall also receive creditable service credit for such leave time if the employee makes contributions to the system equal to the amount of contributions that he or she would have made had he or she been on active service status.

Whenever possible, it is expected that requests for leave will be made in writing to the designated administrator at least 48 hours in advance of the time leave is requested. However, 30 days' notice is required by law if the leave qualifies as FMLA leave and such

notice is practical. The administrator will respond promptly to the employee's written request.

3. **Vacation:** All professional staff employed on a 12-month basis will receive 2 weeks of vacation per year. An employee must submit a written request for vacation to the superintendent or designee and receive written authorization before taking vacation days. If the employee's absence may disrupt district operations, the superintendent or designee has the discretion to deny a request for vacation or to limit the time of year the employee may take his or her vacation.

A district employee may not use vacation days during the period the employee receives Workers' Compensation for time lost to work-related incidents.

4. **Bereavement Leave:** When a death occurs in an employee's immediate family, employees may take up to three (3) days off with pay to attend the funeral or make funeral arrangements. The district may require verification of the need for the leave. The Board defines "immediate family" to include spouse, parents, children, children's spouses, grandparents, grandchildren and siblings of an employee or employee's spouse, and any other family member residing with the employee. After the exhaustion of the three (3) days of bereavement leave, the employee may use personal leave.

Unless otherwise provided, the following leaves will be provided to full-time and part-time professional employees.

1. **Holidays:** *Fourth of July, Labor Day, Christmas Eve, Christmas Day, New Years Day and Memorial Day*
2. **Professional Leave:** Employees may be granted professional leave to attend classes or conferences, meet with mentors or participate in other approved professional growth activities. Professional leave must be approved by the superintendent or designee, arranged well in advance and is not considered personal leave.
3. **Military Leave:** The Board shall grant military leave as required by law.
4. **Election Leave:** Any employee who is appointed as an election judge pursuant to state law may be absent on any election day for the period of time required by the election authority. The employee must notify the district at least seven (7) days prior to any election in which the employee will serve as an election judge. No employee will be terminated,

disciplined, threatened or otherwise subjected to adverse action based on the employee's service as an election judge.

5. **Leave to Vote:** Employees who do not have three (3) successive hours free from work while the polls are open will be granted a leave period of up to three (3) hours to permit the employees three (3) successive hours while the polls are open for the purpose of voting. Requests for such leave must be made prior to election day, and the employee's supervisors will designate when during the workday the leave should be taken. Any employee who properly requests leave to vote and uses the leave for that purpose will not be subject to discipline, termination or loss of wages or salary.
6. **Jury Duty Leave:** An employee will be granted paid leave for time spent responding to a summons for jury duty, time spent participating in the jury selection process or time spent actually serving on a jury. An employee will not be terminated, disciplined, threatened or otherwise subjected to adverse action because of the employee's receipt of or response to a jury summons.
7. **Leave for Court Subpoena:** If the subpoena is directly related to the employee's school duties, the employee will be released for court appearance without loss of leave. Other court appearances will be deducted from personal leave.
8. **Firefighter Leave:** Employees will be allowed to use personal, vacation and/or unpaid leave for any time taken to respond to an emergency in the course of performing duties as a volunteer firefighter. For the purposes of this section, "volunteer firefighter" includes members of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, Urban Search and Rescue Team or those activated by FEMA in times of national disaster. Employees covered under this section shall not be terminated from employment for joining a volunteer fire department or for being absent from or late to work in order to respond to an emergency. Employees shall make every reasonable effort to notify the principal or supervisor if the employee may be absent from or late to work under this section. Employees are required to provide their supervisors with a written statement from the supervisor or acting supervisor of the volunteer fire department stating that the employee responded to an emergency along with the time and date of the emergency.
9. **Crime Victim Leave:** Any employee who is a crime victim, who witnesses a crime or who has an immediate family member who is a crime victim will not be required to use vacation, personal or sick leave in order to honor a subpoena to testify in a criminal proceeding, attend a criminal proceeding or participate in the preparation of the criminal proceeding.

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Pregnancy, Childbirth and Adoption Leave

This section creates no rights extending beyond the contracted period of employment. FMLA certification and recertification procedures apply to FMLA-eligible employees. An employee must notify the district of the need for and anticipated duration of the leave at least 30 days before leave is to begin, if foreseeable. If 30 days' notice is not practical, the employee must give as much notice as possible. A pregnant employee shall continue in the performance of her duties as long as she is able to do so and as long as her ability to perform her duties is not impaired, based on medical opinion.

Employees eligible for FMLA leave for the birth, first-year care, adoption or foster care of a child will have such leave applied in accordance with the FMLA. The district shall only apply up to six (6) weeks of accrued paid leave to such absences.

Employees who are ineligible for FMLA leave may take up to six (6) weeks of leave for the birth, first-year care, adoption or foster care of a child and may use any combination of accrued *personal* leave, vacation leave or unpaid leave.

Pregnant employees who need more than six (6) weeks of paid or unpaid leave for a pregnancy-related incapacity must provide certification of the medical necessity for such leave.

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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

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Cross Refs: DLB, Salary Deductions

Legal Refs: ' ' 105.270 - .271, 115.639, 168.122, 169.595, 320.200, .330 - .339, 494.460,
595.036, .209, RSMo.

Fair Labor Standards Act, 29 U.S.C. ' ' 201-219

Family and Medical Leave Act of 1993, 29 U.S.C. ' ' 2611-2619

Title VII of the Civil Rights Act of 1964 as amended by the Pregnancy
Discrimination Act, 42 U.S.C. ' 2000e(k) 29 C.F.R. ' 1604.10

Willis v. School Dist. of Kansas City, 606 S.W.2d 189 (Mo. Ct. App. 1980)

Stewart v. Board of Educ. of Ritenour, 574 S.W.2d 471 (Mo. Ct. App. 1978)

Aubuchon v. Gasconade County R-1 Sch. Dist., 541 S.W.2d 322 (Mo. Ct. App. 1976)

East Carter County R-II School District, Ellsinore, Missouri